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Arizona Corporation Commission

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DOCKET NO. E-01933A-11-0055

IN THE MATTER OF THE APPLICATION OF
TUCSON ELECTRIC POWER COMPANY FOR
APPROVAL OF ITS 2011-2012 ENERGY
EFFICIENCY IMPLEMENTATION PLAN.

**REQUEST TO ACCEPT PROPOSED IMPLEMENTATION PLAN
IN PENDING ENERGY EFFICIENCY DOCKET
AS 2013 IMPLEMENTATION PLAN FILING UNDER A.A.C. R14-2-2405**

Tucson Electric Power Company ("TEP" or the "Company"), through undersigned counsel, hereby requests that the Commission accept TEP's proposed energy efficiency implementation plan in the pending evidentiary hearing in this docket ("Updated Plan") as its 2013 implementation plan filing under A.A.C. R14-2-2405. The Updated Plan, which was filed in this docket on May 2, 2012, proposes an implementation plan that covers the period from October 1, 2012 through December 31, 2013. Given the pending Updated Plan, TEP submits that it is unnecessary to file another overlapping, duplicative implementation plan for 2013.¹ In support of this request, TEP states as follows:

Under A.A.C. R14-2-2405.A, on June 1, 2012, TEP is required to file a proposed energy efficiency implementation plan describing how it intends to meet the Energy Efficiency Standard ("EES") for 2013. However, TEP's initial implementation plan under the Energy Efficiency Rules ("EE Rules"), which was intended to cover 2011 and 2012, has not yet been approved. That plan has been referred to the Hearing Division for an evidentiary hearing. Given the passage of time and the practical implications of an evidentiary hearing, TEP has proposed that a

¹ TEP submits that even if the Updated Plan is not approved as filed, the implementation plan approved in this docket should cover 2013 under the circumstances.

1 revised implementation plan be considered at the hearing. This Updated Plan is a modified
2 version of the pending 2011-2012 implementation plan and is designed to be in effect from
3 October 1, 2012 through December 31, 2013. This Updated Plan covers the entire time period
4 that the 2013 implementation plan must cover.

5 As a practical matter, requiring TEP to prepare a new, competing implementation plan
6 for 2013 while the pending 2011-2012 implementation plan has not yet concluded, would be a
7 duplicative effort because TEP would not be proposing any new programs until there is a
8 resolution of the current docket. For example, the Commission has not yet decided what energy
9 efficiency programs should be approved or at what level those programs should be funded.
10 Moreover, there are potential legal issues that may need to be addressed in TEP's upcoming rate
11 case that will impact the structure of the next implementation plan. Any new proposed
12 implementation plan would face the same hurdles that the 2011-2012 implementation plan faces
13 – and that has triggered the evidentiary hearing. Accepting the pending Updated Plan (or any
14 other implementation plan approved in this docket) as TEP's June 1, 2012 filing under Rule
15 2405.A will conserve resources and avoid duplicative efforts on the part of the Commission and
16 TEP.

17 WHEREFORE, as good cause exists, TEP requests that the Commission accept TEP's
18 proposed energy efficiency implementation plan in the pending docket as TEP's 2013
19 implementation plan filing under A.A.C. R14-2-2405 that would otherwise be due on June 1,
20 2012.²

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27 ² The Commission could consider this as a petition pursuant to A.A.C. R14-2-2419.B to modify the compliance obligation to file a 2013 implementation plan, although the Company believes the Commission has already effectively modified the requirement under these unique circumstances.

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RESPECTFULLY SUBMITTED this 11th day of May 2012.

Tucson Electric Power Company

By 

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Original and 13 copies of the foregoing
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Copy of the foregoing hand-delivered/mailed
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By Mary Appolito